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# AN ACT

TO

## AMEND AN ACT

RESPECTING

# THE VOLUNTEER MILITIA FORCE.

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29-30 Victoria, Cap. 12.

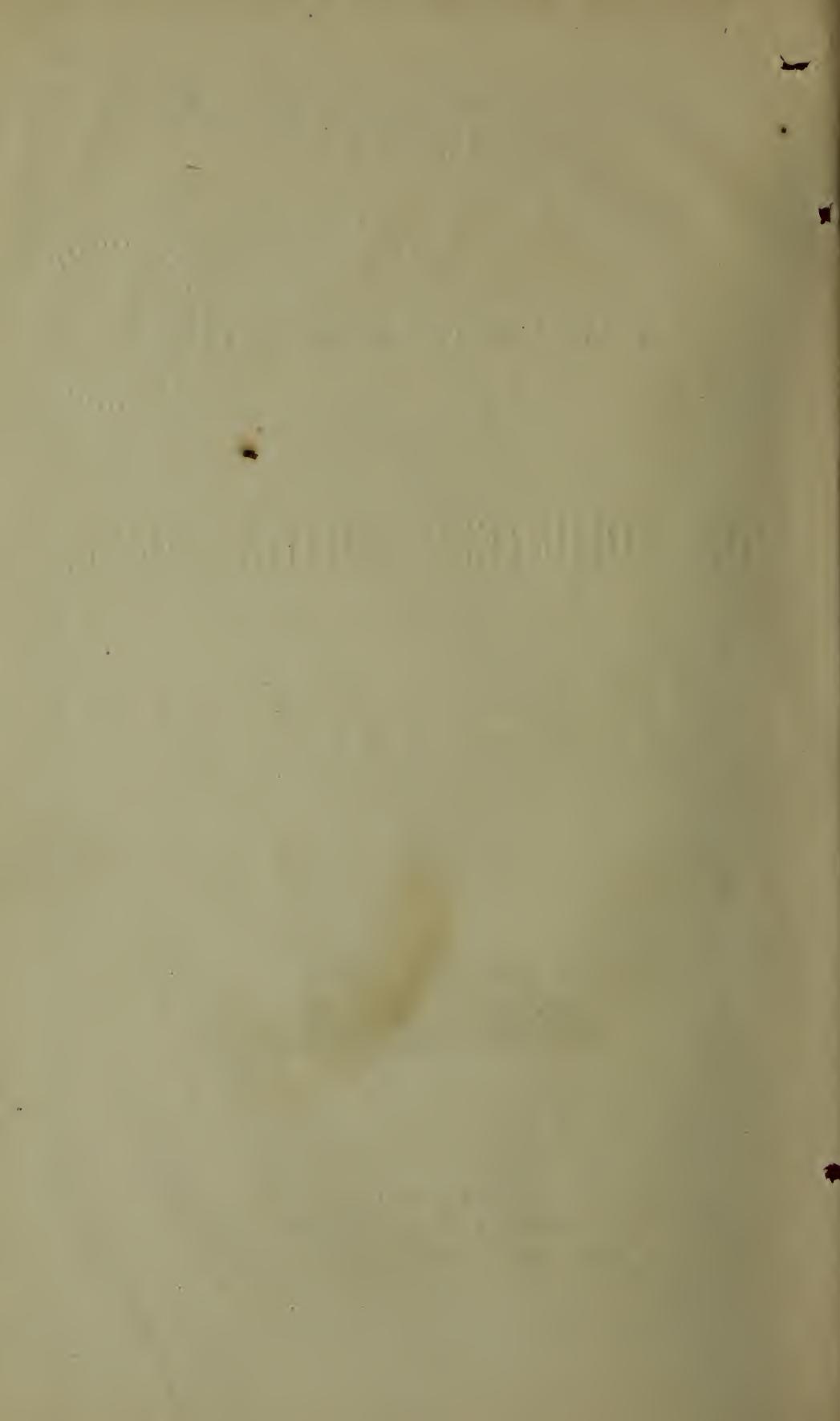
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OTTAWA:

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1866.





ANNO VICESIMO-NONO ET TRICESIMO

## VICTORIAE REGINÆ.

### C A P . X I I .

An Act to amend *An Act respecting the Volunteer Militia Force.*

[Assented to 15th August, 1866.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The second section of an Act made and passed in the Session of Parliament, held in the twenty-seventh year of Her Majesty's Reign, and intituled: *An Act respecting the Volunteer Militia Force*, is hereby repealed, and the following section shall be taken and read in lieu thereof, and as the second section of the said Act, that is to say:—

“2. The Commander-in-Chief may raise, organize, arm, uniform and equip a Volunteer Militia Force to serve within the Province for the defence of the same in case of need, and in aid of the civil power, as hereinafter mentioned; and the Commander-in-Chief may call out such Volunteer Militia Force or any part, or any corps thereof, for actual service, whenever it is in his opinion advisable so to do; Provided that the several corps of Volunteers organized and gazetted, prior to this Act, shall be and continue as if organized and gazetted under this Act, and shall constitute part of the Volunteer Force before mentioned.”

2. The fourth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof, and as the fourth section of the said Act, that is to say:—

“4. The Volunteers may consist of Troops of Cavalry, Troops of Mounted Infantry, or of Mounted Rifles, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, Commissariat, Staff corps, Hospital and Ambulance corps, and Battalions or Companies

Preamble.

Sec. 2, of 27 V. c. 3 repealed.

and new sect. substituted.

Governor may raise and call out a Volunteer Force, &c.

Proviso as to corps already organized.

Sect. 4 re-pealed.

New section.

Of what corps the Volunteers may consist.

Proviso : as to  
corps in cities.

Sect. 5 re-  
pealed.

New section.  
Forming and  
disbanding  
corps.

Paragraph 1 of  
sect. 6 re-  
pealed.

New para-  
graph.

Strength of  
Volunteer  
Companies  
respectively.

Sect. 17 repeal-  
ed, and new  
sect. substi-  
tuted.

Municipalities  
may provide  
armouries, &c.,  
and may raise  
and expend  
money for pur-  
poses connect-  
ed with the  
support and en-  
couragement of  
the Volunteer  
Force.

of Rifles and of Infantry, and Naval Companies, to be armed and equipped according to their respective services, and to be formed at such places and in such manner as may from time to time be ordered by the Commander in Chief; Provided that in Cities, no number of men shall be accepted or gazetted as Volunteer Militia unless formed into a Battalion under the provisions of the seventh section of this Act."

**3.** The fifth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof, and as the fifth section of the said Act, that is to say :

" 5. All Corps of Volunteers shall be formed and may be disbanded by authority of the Commander in Chief, as may in his opinion best tend to further the purposes of this Act and the public good."

**4.** The first subsection or paragraph of the sixth section of the said Act is hereby repealed, and the following shall be taken and read in lieu thereof and as the first subsection or paragraph of the sixth section of the said Act, that is to say :

" 6. Each Troop of Cavalry, Troop of Mounted Infantry or of Mounted Rifles, Military Train, Garrison Battery of Artillery, Company of Engineers, or Rifles, or Infantry, shall consist, according to its respective service, of a Captain, a Lieutenant, a Cornet, a Second Lieutenant or Ensign, three Sergeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty-eight Privates, except in cases where the Commander in Chief may specially sanction a greater number of Privates not exceeding seventy-five."

**5.** The seventeenth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof and as the seventeenth section of the said Act :

" 17. For the safe keeping of any arms, accoutrements or ammunition furnished to any corps, the Corporation of every Municipality within which such corps or any part of such corps may be organized, may, if they think fit, provide at the expense of such Municipality, one or more good, safe and commodious fire proof Armouries, fitted with arm racks and other necessary and proper storage, and for the heating thereof; and may also build and construct or aid partially in the erection or construction of any fortified intrenchments or of any drill shed or exercise ground or range for rifle practice, and may purchase and hold any real estate or may appropriate any land or building belonging to or held by such Corporation, for any such purposes; and may provide moneys for such purposes or any of them, or for or towards compensating, maintaining or promoting the efficiency of the corps of volunteers within such Municipality, or for purchasing or aiding in the purchase

of arms for any volunteer corps or for any drill association lawfully formed under the Acts in force in that behalf, and may grant gratuities or sum or sums of money to any corps on actual service, or to any officer, non-commissioned officer or private thereof, on actual service, or who may be wounded, injured, maimed or incapacitated from following his ordinary calling or employment in the performance of military duty as such volunteer, or to the family of any officer, non-commissioned officer or private on actual service or who may be killed in the performance of such military duty as aforesaid, and may for the further encouragement and support of the Volunteer Force, enact by-laws granting such exemptions to enrolled men and horses therein, as to such Municipal Corporation may seem fit and proper ; and the several Municipalities throughout Upper Canada shall have all and every the powers conferred upon them in respect to the raising and levying of all funds required for any of such purposes, which are provided by the two hundredth and two hundred and twenty-fourth sections of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada ; and the several Municipalities in Lower Canada shall have all the powers conferred on them in respect to raising and levying of all such funds, which are provided by the Lower Canada Consolidated Municipal Act and the Acts amending it, or by the special Act or Acts incorporating and governing the Municipality (if any such there be), with regard to the raising of money for any purpose for which such Municipalities are by law empowered to raise the same."

Power to raise  
money for such  
purposes.

" 2. A copy of every by-law passed under authority of this section duly certified under the corporate seal of the municipality, shall be forthwith transmitted to the Minister of Militia ; and he may at any time signify his disallowance of the same, if in his opinion any provisions thereof are likely to impair the efficiency of the Force ; and any by-law so disallowed shall thereupon become null and void ; "

By-laws to be  
submitted to  
Minister of  
Militia for ap-  
proval.

" 3. All payments and allowances whatever, in any way accruing under any such by-law to any Volunteer Officer, non-commissioned Officer or private, while on actual service, shall be made in such manner only, and through such channel, as the Commander-in-Chief shall from time to time direct."

How payments  
under By-law  
shall be made.

6. For and notwithstanding any thing in the preceding section contained, any by-law or resolution heretofore passed or which may be hereafter passed by any Municipal Corporation prior to the first day of January next after the passing of this Act, for any of the purposes in the preceding section mentioned, shall be held to be and shall be valid for the purposes thereof, and as respects Upper Canada, whether the same may or may not have been submitted for or received, or may or may not be submitted for or receive the assent required by the two hundred and twenty-fourth section of the Act in the next preceding section mentioned.

By-laws for  
such purpose  
to be valid, &c.

Sect. 22,  
repealed.

7. The twenty-second section of the said Act is hereby repealed, and the following section shall be taken and read in lieu thereof and as the twenty-second section of the said Act, that is to say :—

New Section.

Commander in  
Chief may  
make regula-  
tions for certain  
purposes.

Courts of  
Enquiry.

Regulations  
may be alter-  
red

Sect. 27,  
repealed.

“ 22. The Commander in Chief may from time to time make orders or regulations respecting anything in this Act, done or authorized to be done or provided by Order or Regulation, and also such Orders or Regulations as may seem fit (not being inconsistent with any of the provisions of this Act,) respecting the appointment and promotion of officers and the assembling and proceedings of Courts of Enquiry to inquire into and report on any matter connected with the government, or discipline, or conduct of a Volunteer Corps or Battalion, or of any Officer, Non-Commissioned Officer or private thereof, and for the full execution of this Act, and the general government and discipline of the Volunteer Force ; and he may alter or repeal any such Regulations, and may call for such Returns as may from time to time seem requisite.”

8. The twenty-seventh section of the said Act is hereby repealed, and the following section shall be taken and read in lieu thereof, and as the twenty-seventh section of the said Act, that is to say :

New Section.

Volunteers,  
called out, &c.,  
to be subject to  
articles of war,  
&c.

Exception.

Exception.

New proviso  
added.

Liability of  
Volunteers  
to be tried  
within six  
months after  
leaving the  
corps, &c.

“ 27. The volunteer force and every officer or man belonging to it, shall be subject to the Queen's Regulations and Orders for the Army, and shall from the time of being called out for actual service, and also during the period of annual drill prescribed by this Act or by any Act amending the same or by any Order of the Commander in Chief, under the authority thereof, and also during the continuance of any drill or parade of this corps at which he shall be present, be subject to the Rules and Articles of War and to the Act for punishing mutiny and desertion, and all other laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act ; except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws ; and except also that the Commander in Chief may direct that any provisions of the said laws or regulations shall not apply to the Volunteer Militia Force ; Provided always, that any officer, non commissioned officer or man charged with any offence committed whilst a volunteer or whilst on actual service, shall be held liable to be tried, and if convicted to be punished therefor, within six months after ceasing to be a volunteer or after the corps to which he belongs or belonged is relieved from actual service, notwithstanding that he shall have so ceased to be a volunteer or the corps to which he belonged shall have been so relieved from actual service.”

**9.** The forty-second section of the said Act is hereby repealed <sup>Sect. 42</sup> and the following shall be taken and read in lieu thereof <sup>amended.</sup> as the forty-second section of the said Act, that is to say:—

“ 42. Whenever the Volunteer Militia Force or any part or <sup>Pay of Volun-</sup> Corps thereof shall be called out for actual service, the officers, <sup>teers.</sup> non-commissioned officers and men so called out shall be paid at such rates of daily pay as are paid and allowed to officers, non-commissioned officers and men of the relative and corresponding grade in Her Majesty’s service, or such other rates as may for the time being be fixed by the Governor in Council; Provided, that where the same shall be called out for partial <sup>Proviso.</sup> intermitted or non-continuous service, they shall be paid for the days only of such service.”

**10.** No officer shall be entitled to ask or to receive half <sup>No half pay,</sup> pay, or pay in respect of his rank when unattached. <sup>&c.</sup>

**11.** The Commander in Chief may, whenever it is in his opinion advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them, raise in addition to the Militia or Volunteer Militia Force of the Province, Regiments of Volunteer Militia, by voluntary enlistment for General Service during such war, invasion or insurrection, or imminent danger of any of them, and for a reasonable time after the termination of any such danger or emergency; and such Regiments shall be subject to the provisions of this Act and of the Act hereby amended.

**12.** The several clauses, enactments, provisions and amendments in this Act contained shall be deemed, taken and read as if made at the time of the passing of the said Act intituled: *An Act respecting the Volunteer Militia Force*, and as respectively parts of the said Act.

<sup>This Act to form part of</sup>  
<sup>27 V. c. 3.</sup>

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